November 18, 2003

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Presentation in Amendment of the Commission's Rules Regarding Dedicated Short Range Communications Services in the 5.850-5.925 GHz Band (5.9 GHz Band); WT Docket No. 01-90 and ET Docket No. 98-95

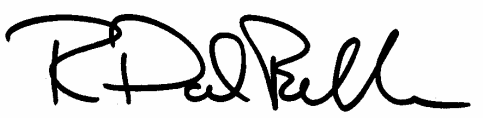
Dear Ms. Dortch:

On November 17, 2003, representatives of the Satellite Industry Association ("SIA") met with members of the Commission staff to address certain issues raised in the above-referenced proceeding. The participants in the meeting included: Richard DalBello, SIA; Carlos Nalda, Steptoe & Johnson; Catherine Hinckley, New Skies Satellites; Brian Mitani, Intelsat; and Gonzalo de Dios, PanAmSat. Members of the Commission staff present at the meeting included D'wana Terry, Peter Daronco, Nancy Zaczek, Jeanne Kowalski, Herb Zeiler, Michael Pollak and Gerardo Mejia of the Wireless Telecommunications Bureau.

The primary purpose of the meeting was to address certain spectrum sharing issues raised in the proceeding. The representatives of SIA outlined the status of ongoing technical studies and related discussions with the Intelligent Transportation Society of America ("ITS America"). In addition, the SIA representatives addressed the issues set forth in the attached outline.

Any questions regarding this matter may be directed to the undersigned.

Respectfully submitted,



Richard DalBello, President
SATELLITE INDUSTRY ASSOCIATION

Attachment
cc (w/ att.): D'wana Terry
Peter Daronco
Nancy Zaczek
Jeanne Kowalski
Herb Zeiler
Michael Pollak
Gerardo Mejia

SATELLITE INDUSTRY ASSOCIATION

Meeting with FCC Staff re ITS-FSS Spectrum Sharing Issues
WT Docket No. 01-90, ET Docket No. 98-95, RM-9096
November 17, 2003

I. BACKGROUND

- SIA and SIA member companies have participated in the ITS/DSRC proceeding from the outset and have not opposed ITS operations in the 5.850-5.925 GHz band, an FSS uplink band (part of the "Extended C-band").

- In its November 2002 *NPRM*, the FCC recognized that co-primary FSS uplink operations have the potential to cause interference into ITS receivers, and requested comment on the need for prior coordination of FSS and ITS operations (except for new earth stations to be located at existing teleport sites).

- SIA is working closely with ITS America on spectrum sharing issues and the parties have concluded that *prior coordination of new ITS roadside units ("RSUs") and extended C-band earth stations, as well as site-by-site licensing, is required to facilitate co-frequency operations*. However, technical studies and industry discussions aimed at developing an appropriate coordination regime remain ongoing.

II. PRIOR COORDINATION REGIME IS NECESSARY TO FACILITATE CO-FREQUENCY ITS/DSRC-FSS OPERATIONS

- Preliminary results of an interference analysis around some existing FSS earth stations clearly show that some ITS RSU stations would have to be carefully implemented to avoid potential interference. An appropriate prior coordination regime would:

  - Assist in siting ITS RSUs to minimize the potential for interference.
  - Ensure that ITS licensees deploy systems that can co-exist with the full range of an earth station's licensed parameters.
  - Ensure that new extended C-band FSS earth stations do not interfere with previously authorized ITS RSUs.

- Prior coordination would be required only within a specified distance from an extended C-band earth station. ITS mobile unit operations would not be coordinated.

- Prior coordination would be required for co-frequency operations only.

III. FUNDAMENTAL ELEMENTS OF AN APPROPRIATE PRIOR ITS/DSRC-FSS PRIOR COORDINATION REGIME

- Define an appropriate coordination zone around extended C-band earth stations based on a specified threshold level of potential interference into RSU receivers.

- No coordination or analysis would be required outside of the coordination zone.
- ITS/DSRC RSUs seeking to be deployed within the coordination zone would require analysis and/or coordination by a frequency coordinator.
- If terrain or other factors would reduce potential interference below the threshold, no coordination would be required. If not, deployment of the RSU would be coordinated with the relevant extended C-band earth station operator.
- As a first-in-time, co-primary user of the band, an earth station operator would not be required to alter its operations or licensed parameters.

• Allow ITS/DSRC stations to deployed near an extended C-band FSS earth station by accepting the full risk of potential interference.

- An RSU could be deployed near an extended C-band earth station if the ITS licensee accepts the full risk of potential interference up to the calculated or coordinated level.
- Such deployment would not restrict the operations of licensed extended C-band earth stations or the deployment of future extended C-band earth stations.

• Preserve flexibility for licensed extended C-band FSS earth stations, which typically include a range of frequencies and azimuths/elevation angles.

- Coordination must include the full range of licensed earth station parameters.
- Earth station operations within the licensed parameters must be protected, even if a change in operations causes interference that was not experienced previously.

• Permit future deployment of extended C-band FSS earth stations at existing teleports and consistent with prior coordination commitments of ITS/DSRC licensees.

- SIA agree with the FCC's conclusion in the *NPRM* that prior coordination should not be required for new extended C-band earth stations to be located at existing teleport sites.
- For future deployment in other locations, if an ITS/DSRC licensee accepts a specified level of interference into its RSU receiver, then new extended C-band earth stations may be deployed in the area so long as the previously accepted level of interference would not be exceeded.

• Site-by-site licensing for ITS/DSRC RSUs would facilitate prior coordination.

IV. GIVEN THE COMPLEXITY OF ITS-FSS SHARING AND COORDINATION ISSUES, AND THAT INDUSTRY DISCUSSIONS REMAIN ONGOING, IT IS PREMATURE FOR THE FCC TO DECIDE THESE ISSUES

• The FCC should defer any decision on ITS-FSS sharing and coordination issues until after the ongoing technical studies and industry discussion have been completed, and the parties have had an opportunity to present their conclusions.